

LEGISLATURE OF NEBRASKA
NINETY-SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 869

Introduced by Transportation Committee: Bromm, 23, Chairperson;
Baker, 44; Hudkins, 21; Janssen, 15; Jones, 43; Dw.
Pedersen, 39; C. Peterson, 35

Read first time January 20, 1999

Committee: Transportation

A BILL

- 1 FOR AN ACT relating to state government; to adopt the Nebraska
- 2 Telecommuting Act.
- 3 Be it enacted by the people of the State of Nebraska,

1 Section 1. This act shall be known and may be cited as
2 the Nebraska Telecommuting Act.

3 Sec. 2. It is the policy of the State of Nebraska to
4 encourage state agencies to allow employees to telecommute when
5 there are opportunities for improved employee performance, reduced
6 commuting miles, or agency savings.

7 Sec. 3. The purposes of the Nebraska Telecommuting Act
8 are to:

9 (1) Improve agency program effectiveness and employee
10 productivity and morale;

11 (2) Facilitate optimum utilization of office and parking
12 facilities;

13 (3) Reduce absenteeism;

14 (4) Promote employee health and wellness;

15 (5) Improve employee recruitment and retention;

16 (6) Improve air quality and reduce traffic congestion;

17 (7) Enhance the working life and opportunities of persons
18 with disabilities;

19 (8) Effectively continue business as part of a disaster
20 recovery or emergency plan;

21 (9) Allow the utilization of workers from all areas of
22 the state; and

23 (10) Provide an alternative source of workers in times
24 and areas of labor shortages.

25 Sec. 4. For purposes of the Nebraska Telecommuting Act:

26 (1) Department means the Department of Administrative
27 Services;

28 (2) State agency means any state office, department,

1 division, bureau, board, or commission in the executive branch of
2 state government; and

3 (3) Telecommuting means a work arrangement by which
4 selected state employees are allowed to perform work duties and
5 responsibilities of their positions through the use of computers or
6 telecommunications at home, at an office near the employee's home,
7 or at another place apart from the employee's usual place of work.

8 Sec. 5. The department and a participating state agency
9 shall share the responsibility for the management of the state
10 employee telecommuting program for that agency.

11 Sec. 6. The department shall:

12 (1) Establish and coordinate the state employee
13 telecommuting programs and administer the Nebraska Telecommuting
14 Act;

15 (2) Appoint a statewide telecommuting coordinator to
16 provide technical assistance to state agencies;

17 (3) Keep records of state employees who are participating
18 in the telecommuting program, including their job classifications
19 and payroll information;

20 (4) Assist state agencies in requesting the siting of
21 satellite work stations, develop procedures to track the needs of
22 state agencies, and identify potential office locations;

23 (5) Establish criteria for evaluating the telecommuting
24 program and recommend modifications when necessary;

25 (6) Develop and update policy, procedures, and guidelines
26 to assist state agencies in the planning and implementation of
27 telecommuting programs;

28 (7) Be the primary point of contact for the public, for

1 private sector employers, for state agencies, and for state
2 employees for information regarding the telecommuting program,
3 including information on contracts that are made with individual
4 agencies;

5 (8) Provide orientation and assistance to state agency
6 telecommuting coordinators;

7 (9) Review pending legislation for its impact on the
8 telecommuting program; and

9 (10) Approve the purchase of software or hardware to be
10 installed for the telecommuting program to ensure that it is in
11 accordance with software copyright laws.

12 Sec. 7. The department shall provide an annual report to
13 the Legislature including, but not limited to, the following
14 information:

15 (1) The number of employees telecommuting;

16 (2) The number of trips, miles, and hours of travel time
17 saved annually;

18 (3) A summary of the efforts made by state agencies to
19 promote and encourage telecommuting;

20 (4) An evaluation of the effectiveness of efforts to
21 encourage employees to telecommute;

22 (5) The number and percentage of telecommuters and
23 managers who believe productivity has increased or decreased as a
24 result of telecommuting and estimated percentage of such increase;

25 (6) The number and percentage of telecommuters who
26 believe the quality of work has increased or decreased as a result
27 of telecommuting;

28 (7) The number of disabled workers who telecommute;

1 (8) The number of full-time, permanent worksites in the
2 main office location which have been reduced as a result of
3 telecommuting;

4 (9) Information on the equipment used by telecommuters,
5 including, but not limited to, the purchase of additional equipment
6 for telecommuting purposes, the type of equipment used, and whether
7 the equipment is state-owned or the personal property of the
8 telecommuter; and

9 (10) Such other matters as may be requested by the
10 Legislature to be reported.

11 Sec. 8. Each state agency participating in a state
12 employee telecommuting program shall adopt a written policy that:

13 (1) Defines specific criteria and procedures for
14 telecommuting;

15 (2) Is applied consistently throughout the agency; and

16 (3) Requires the agency, in exercising its discretion, to
17 consider an employee request to telecommute in relation to the
18 agency's operating needs.

19 Sec. 9. Each state agency participating in a state
20 employee telecommuting program shall, in compliance with the
21 telecommuting policy:

22 (1) Identify and maintain a current listing of the job
23 classifications and positions that the agency considers appropriate
24 for telecommuting;

25 (2) Give equal consideration to career service and exempt
26 positions in the selection of employees to participate in the
27 telecommuting program;

28 (3) Provide that an employee's participation in a

1 telecommuting program will not adversely affect eligibility for
2 advancement or any other employment rights or benefits;

3 (4) Provide that participation by an employee in a
4 telecommuting program is voluntary and that the employee may elect
5 to cease to participate in a telecommuting program at any time;

6 (5) Adopt provisions to allow for the termination of an
7 employee's participation in the program if the employee's continued
8 participation would not be in the best interest of the agency;

9 (6) Ensure that employees participating in the program
10 are subject to the same rules regarding attendance, leave,
11 performance reviews, and separation action as are other employees;

12 (7) Establish reasonable conditions that the agency plans
13 to impose in order to ensure the appropriate use and maintenance of
14 any equipment or items provided for use at a participating
15 employee's home or other place apart from the employee's usual
16 place of work, including the installation and maintenance of any
17 telecommunications equipment and ongoing communications costs at
18 the telecommuting site which is to be used for official use only;

19 (8) Prohibit state maintenance of an employee's personal
20 equipment used in telecommuting, including any liability for
21 personal equipment and costs for personal utility expenses
22 associated with telecommuting;

23 (9) Describe the security controls that the agency
24 considers appropriate;

25 (10) Provide that employees are covered by worker's
26 compensation under the Nebraska Workers' Compensation Act when
27 performing official duties at the alternate worksite, so long as
28 the accident or illness occurs within the employee's scope of the

1 telecommuting contract; and

2 (11) Require a written agreement that specifies the terms
3 and conditions of telecommuting, which includes verification by the
4 employee that the home office provides work space that is free of
5 safety and fire hazards, together with an agreement which holds the
6 state harmless against any and all claims, excluding workers'
7 compensation claims, resulting from an employee working in the home
8 office, and which must be signed and agreed to by the telecommuter
9 and his or her supervisor.

10 Sec. 10. Each state agency director shall administer the
11 state employee telecommuting program in his or her respective
12 agency, ensure compliance with all applicable policies and
13 procedures, and determine the distribution of software and
14 equipment for the program.

15 Sec. 11. Supervisors in state agencies participating in
16 a state employee telecommuting program shall:

17 (1) Determine if proposals for their employees to
18 participate in the program are likely to contribute to the
19 objectives of the Nebraska Telecommuting Act, while maintaining or
20 improving program efficiency, productivity, service, benefits, and
21 safety conditions;

22 (2) Ensure that employees who remain in the office are
23 not burdened by being required to handle the telecommuter's regular
24 assignments;

25 (3) Provide specific, measurable, and attainable
26 performance expectations for the telecommuter and define in detail
27 the assignments, corresponding deadlines, and quality of work
28 expected;

1 (4) Provide for employee training in the use of equipment
2 and software as required for the employee to function effectively
3 and independently;

4 (5) Inform employees that failure to comply with policy
5 and procedures may be cause for terminating participation in the
6 program and other possible adverse action; and

7 (6) Maintain copies of the work checklists and
8 telecommuting agreements.

9 Sec. 12. Telecommuters shall:

10 (1) Work with their supervisors to develop an acceptable
11 telecommuting agreement;

12 (2) Abide by the Nebraska Telecommuting Act and the
13 rules, regulations, policies, and procedures promulgated under the
14 act;

15 (3) Adhere to the applicable law regarding information
16 security;

17 (4) Acquire the skills necessary to meet requirements and
18 operate independently from the designated worksite;

19 (5) Establish and maintain an acceptable and safe home
20 office as outlined in the state agency's criteria if working out of
21 a home office worksite;

22 (6) Establish, operate, and maintain the home office,
23 equipment, devices, and services associated with the telecommuting
24 agreement;

25 (7) Be readily accessible for communication from the home
26 office;

27 (8) Repair and replace any state-owned equipment that is
28 damaged, lost, or stolen due to gross negligence;

1 (9) Release the state and the state agency from any and
2 all liability for damages caused by employee-supplied computers;

3 (10) Agree not to copy or distribute state-provided
4 software or install unauthorized hardware or software on
5 state-owned equipment; and

6 (11) Comply with state and federal tax law.

7 Sec. 13. A safety coordinator shall be assigned for each
8 state agency participating in a state employee telecommuting
9 program. The safety coordinator shall provide guidance in defining
10 the appropriate ergonomic setup of home-based telecommuting space.

11 Sec. 14. Any hardware or software purchased by the State
12 of Nebraska shall remain the property of the state and shall be
13 returned to the department or the appropriate state agency if the
14 telecommuting work arrangement is terminated.

15 Sec. 15. State agencies participating in a state
16 employee telecommuting program shall provide office supplies, other
17 than furniture, to telecommuters. A telecommuter shall obtain such
18 supplies during the telecommuter's in-office work period.
19 Out-of-pocket expenses for supplies normally available in the
20 office will not be reimbursed.